

Every District Superintendent of Police shall, at such District periods as the ¹[State Government] may from time to time Superintend- direct, furnish to the Municipal Commissioners for every ents of Police town in his district in which the Towns Improvement Act,² similar state- 1871 (Madras), or any other corresponding law for the time ments to mufassal being in force, is in operation, statements containing similar municipali- ties in information to that mentioned in the preceding paragraph, respect of Police in towns. in respect of the Police force employed in every such town.

MADRAS ACT No. VIII OF 1878.³

[THE MADRAS COFFEE-STEALING PREVENTION ACT, 1878.]

[30h August 1878 ; 28th September 1878.]

An Act to prevent Thefts of Coffee.

WHEREAS it is expedient to make special provision to Preamble prevent thefts of coffee, and to repress and punish the offence of receiving or disposing of stolen coffee in the neighbourhood of coffee plantations or estates ; It is enacted as follows :—

1. This Act may be called the Madras Coffee-stealing Short title. Prevention Act, 1878.

2. This Act shall take effect in such districts, divisions or Commence- parts of districts, or within such localities or limits within the ment and Presidency of Fort St. George, and from such date as the local extent of Act. ¹[State Government] may from time to time direct by notification published in the official Gazette.⁴

The ¹[State Government] may from time to time modify Power to or cancel such direction by notification similarly published. modify or annul notification.

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

² See now Madras Act V of 1920.

³ For Statement of Objects and Reasons, see *Fort St. George Gazette* Supplement, dated 28th January 1878, page 3 ; for Report of the Select Committee, see *ibid.*, Supplement, dated 13th August 1878, page 3 ; for Proceedings in Council, see *ibid.*, Supplement, dated 12th February 1878, page 27, *ibid.*, Supplement, dated 13th August 1878, page 100, *ibid.*, Supplement, dated 20th August 1878, page 101.

⁴ For places to which the Act has been extended from time to time under this section, see the List of Local Rules and Orders.

Interpretation.

3. In this Act—

“Labourer”.

“labourer” means and includes all persons except resident managers temporarily or permanently employed on a coffee estate in any capacity, whether agricultural, menial or otherwise howsoever :

“Carrier”.

“carrier” means and includes all persons for the time being employed in the transport of coffee whether by portorage, pack-animals, boat, cart or otherwise, and whether as contractors, drivers or otherwise :

“Coffee estate”.

“coffee estate” means and includes any land on which coffee is growing :

“Coffee”.

“coffee” means and includes all coffee not roasted or otherwise prepared for immediate consumption.

Coffee not to be taken from labourer.

4. It shall not be lawful for any one to purchase, take in barter or exchange or receive coffee from any labourer employed on a coffee estate.

Coffee not to be taken from other than labourer, unless particulars entered in book.

5. It shall not be lawful for any one to purchase, take in barter or exchange, or receive coffee from any person other than a labourer employed on a coffee estate, unless the persons so purchasing, taking in barter or exchange, or receiving such coffee shall immediately thereupon enter or cause to be entered in a book to be kept by him for that purpose a true record of such transaction, specifying—

(a) the name, residence and occupation of the person from whom such coffee was so purchased, taken in barter or exchange, or received ;

(b) the date of the transaction ; and

(c) the quantity and description of the coffee so purchased, taken in barter or exchange, or received :

Section not to apply to coffee taken for *bona fide* personal consumption.

Provided that this section shall not apply to coffee purchased, taken in barter or exchange or received from any person other than a labourer employed on a coffee estate, and intended *bona fide* for consumption in the house or on the premises of the person purchasing, taking in barter or exchange, or receiving the same as aforesaid.

Person in charge of coffee estate to maintain a book of his transactions.

¹ [5-A. Every person in charge of a coffee estate, whether he be owner thereof or not, who sells, gives in barter or exchange, or delivers any coffee, shall immediately thereupon enter or cause to be entered in a book to be kept by him for that purpose a true record of such transaction specifying—

(a) the name, residence and occupation of the person to whom such coffee was so sold, given in barter or exchange, or delivered.

¹ This section was inserted by section 3 of the Madras Coffee-stealing Prevention (Amendment) Act, 1900 (Madras Act II of 1900).

(b) the date of the transaction ; and
 (c) the quantity and description of the coffee so sold,
 given in barter or exchange, or delivered.]

6. All books required ¹[to be kept] by ¹[sections 5 and 5-A] ¹* * * * shall be produced upon the requisition of any police officer not below the rank of an officer in charge of a police station, generally or specially authorized by a Magistrate to require the production of such books. Books to be produced on police officer's requisition.

7. It shall not be lawful for any one to purchase or take in barter or exchange coffee from any carrier, or for any carrier to sell or give in barter or exchange any coffee, unless the person so purchasing or taking in barter or exchange such coffee shall, besides making the entry required by section 5 of this Act, also enter or cause to be entered in the book mentioned in the said section 5 the marks (if any) on the bags or other packages in which such coffee may be contained, and unless the entries required by this section and by the said section 5 be also correctly signed by such carrier in his own name, and attested by a police officer or the headman of the village within which the transaction takes place ; for which attestation no fee shall be chargeable. Conditions under which coffee may be taken from a carrier.

8. Any person committing any breach of the provisions contained in section 4, 5, ²[5-A], 6 or 7 of this Act shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees. Penalty for breach of section 4, 5, 5-A, 6 or 7.

9. Any coolie, maistri or other labourer employed on a coffee-estate found with green gathered ³[parchment or cherry-dried] coffee in his possession, and failing to account satisfactorily for such possession, shall be liable, on conviction by a Magistrate, to pay a fine not exceeding five hundred rupees. Penalty in case of labourer being found in possession of green coffee for which he cannot account.

10. No person shall carry or remove coffee from any coffee estate, premises or place, or upon any road, highway or footway, without the express permission of the owner or of his authorized agent. Coffee not to be carried without permission of owner or agent.

Such permission shall be in writing, dated and signed by the said owner or his authorized agent, and shall contain the following particulars :— Permission to be in writing, etc.

- (a) the quantity of the coffee to be carried or removed ;
- (b) the number, description and marks of the packages in which coffee is secured ;
- (c) the place or destination to which the coffee is to be carried or removed ; and

¹ These words were inserted, the words " sections 5 and 5-A " were substituted for the words " section 5," and the words " to be kept by persons purchasing coffee " repealed by s. 4 of Mad. Act II of 1900.

² The figure and letter " 5-A " were inserted by s. 5, *ibid*.

³ These words were inserted by s. 6, *ibid*.

(d) the names of the consignor and consignee.

Penalty for breach of this section.

Any person committing any breach of the provisions of this section shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees.

Hours of gathering or removing coffee.

11. No coffee shall be gathered, moved, loaded or unloaded on any coffee-estate between sunset and sunrise.

Penalty for breach of above provision.

Any person committing a breach of this provision, or abetting (within the meaning of the Indian Penal Code)¹ such breach, shall, on conviction by a Magistrate, be liable to pay a fine not exceeding five hundred rupees : Central Act XLV of 1860

Section 10 and this section not to apply to ordinary operations of curing.

Provided that nothing in section 10 or in this section shall apply to the ordinary operations of curing the crop on the estate such as pulping or storing.

Procedure if gathering, etc., was done to commit theft.

12. If it shall appear that such gathering, moving, loading or unloading was for the purpose of committing a theft, the person or persons so engaged shall be liable to be charged with theft, or abetment of theft, and be proceeded against for such offence under the provisions of sections 378 and 379 or sections 107, 108 and 109 of the Indian Penal Code², as the case may be. Central Act XLV of 1860.

Substituted punishment for second offence under section 9.

13. It shall be at the discretion of the Magistrate, in the case of any persons, not being females, who shall be convicted of a second offence under section 9 of this Act, to substitute * * * ³ corporal punishment under the provisions of Act No. VI of 1864⁴ (*an Act to authorize the punishment of whipping in certain cases*), or of any other law for the time being in force in that behalf for * * * ⁵ the penalties provided by this Act :

Proviso.

Provided that such substituted * * * ⁶ punishment shall be awarded only in respect of the offence itself, and not as an alternative penalty for non-payment of fine.

Fines to be paid into public treasury.

14. All fines paid or levied under this Act shall be paid into the public treasury :

Magistrate may grant rewards to informers.

Provided that the Magistrate trying any case under this Act may '[for reasons to be recorded in writing] grant the whole or any portion of any fine levied therein as rewards to persons furnishing such information as may have led to the conviction of offenders under this Act.

¹ See ss. 107 and 108 of the Indian Penal Code.

² General Acts.

³ The words "or add," were repealed by Mad. Act II of 1900, s. 7.

⁴ See now the whipping Act, 1909 (Central Act IV of 1909).

⁵ The words "or to" were repealed by Mad. Act II of 1900, s. 7.

⁶ The words "or additional" were repealed by *ibid*.

⁷ These words were inserted by Mad. Act II of 1900, s. 8.

¹ 15. It shall be the duty of every person in charge of a coffee-estate whether he be owner thereof or not, to keep such books and to furnish such returns in connection with the coffee-estate or the coffee grown thereon at such times and to such authorities as may be prescribed by the ²[State Government of Madras], and to afford to such officers as may be generally or specially designated in that behalf by the Collector all reasonable facilities for verifying the correctness of such books and returns, and for obtaining such other information as may be required for the preparation in public offices of such statistics as the ²[State Government of Madras] may prescribe.

Duties of a provision in charge of coffee-estate.

¹ 16. The ²[State Government of Madras] may after previous publication make rules—

Power to make rules.

(a) prescribing forms for the books, returns and statistics referred to in section 15 ;

(b) regulating the time at which and the authority to whom such returns are to be furnished ;

(c) regulating the inspection and examination of such books, returns and statistics ; and

(d) generally for carrying out the purposes of this Act ; and all such rules shall be published in the ³[Official Gazette] and shall thereupon have the force of law.

¹ 17. Any person failing without reasonable excuse to comply with the provisions of section 15 of this Act shall be liable on conviction by a Magistrate to pay a fine not exceeding one hundred rupees.

Penalty for failure to comply with the provisions of section 15.

¹ Sections 15, 16 and 17 were added by Mad. Act II of 1900, s. 9.

² The words " Provincial Government of Madras " were substituted for the words " Governor of Fort St. George in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

³ These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937.